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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

ADDISON ORR,

          Plaintiff,

   v.

JUSTIN WILLIAMS, ET AL.,

          Defendants.

Case No. 2:20-cv-00423-GMN-DJA

REPORT AND RECOMMENDATION

The Court previously denied without prejudice Plaintiff's request to proceed *in forma pauperis* as incomplete. (ECF No. 3). It granted him an extension to file a second, complete application by April 17, 2019. *Id*. The Court stated, "**failure to timely comply with this order may result in a recommendation that this case be dismissed.**" *Id*. To date, the Court has not received a new completed application, the filing fee, or any request to extend the April 17, 2020 deadline for filing one.\

RECOMMENDATION

Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without prejudice.

NOTICE

Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985), *reh'g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the

order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

DATED: April 27, 2020

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DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE